

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Office Action dated January 4, 2011. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-2 and 5-14 are pending in the Application. Claims 1, 5 and 11 are independent claims.

In the Office Action, claims 6 and 13 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter. In response, the claims are amended to address the concerns raised in the Office Action. It is submitted that the rejected claims are definite. Accordingly, withdrawal of this rejection is respectfully requested,

In the Office Action, claims 1, 5, 6, 8, 10-12 and 15 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,146,373 to Cragg et al. ("Cragg") in view of U.S. Patent No. 6,955,674 to Eick et al. ("Eick"). Claims 2, 7, 9 and 13 are rejected under 35 U.S.C. §103(a) over Cragg in view of Eick and further in view of U.S. Patent No. 6,463,317 to Kucharczyk et al. ("Kucharczyk"). These rejections are respectfully traversed. It is respectfully submitted that the claims are allowable for at least the following reasons.

In its Abstract, Cragg discusses a multiple lumen catheter for delivery of a liquid embolic composition through a first lumen and delivery of a solidification agent through a second lumen. Contrary to the assertion in the Office Action, Cragg does not teach, disclose, or suggest a locator attached to the catheter that is "configured to provide coordinates to determine a spatial position and/or orientation of the catheter", as recited in

claim 1. Col. 9, lines 40-50 of Cragg referenced in the Office Action discusses the radiopaque markers 50, 52 of FIG. 6 of Cragg, but similar to the rest of Cragg does not teach, disclose, or suggest that these markers provide coordinates to determine a spatial position and/or orientation.

Further, it is undisputed, as acknowledged in the Office Action, that Cragg fails to disclose a monitor connected to the active locator and the pump. Instead, the Office Action references Eick as describing that which is admitted missing from Cragg. However, it is respectfully submitted that this reliance on Eick is misplaced.

Eick discloses using a microcontroller having input and output to control an ablation catheter by processing position information from the input to calculate ablation catheter movement and comparing the movement to a predetermined control data. (see, Eick, the Abstract.) Col. 3, line 65 - col. 4, line 27 of Eick, referred to in the Office Action, discusses calculating the difference between the electrode position data frames for X, Y and Z coordinates. As explained at col. 3, lines 30-38 of Eick, the electrode position is determined as follows:

This method uses an externally applied electrical field that is detected via standard catheter electrodes. Three skin-electrode pairs are used to send three small, 1.0 mA currents through the thorax in three orthogonal directions, with slightly different frequencies of 30 kHz used for each direction. The resulting voltage can be recorded via standard catheter electrodes and be used to determine electrode position.

It is respectfully submitted that this portion of Eick nor any other portion for that matter does not teach, disclose, or suggest "an active locator attached to the catheter and configured to provide coordinates to determine a spatial position and/or orientation of the

catheter" as recited in the claims. Further, it follows that since Cragg and Eick failed to suggest provision of coordinates in a manner prescribed in the claims, Cragg and Eick do not teach, disclose, or suggest "to monitor the spatial position and/or orientation of the catheter based on the provided coordinates from the locator", as for example recited in claim 1.

It is also noted that nothing is disclosed in Cragg and Eick that addresses orientation of the catheter or monitoring the orientation of the catheter, or stopping "the supply of the filling material in response to the detected emergence", as for example recited in claim 1.

It is respectfully submitted that the catheter apparatus of claim 1 is not anticipated or made obvious by the teachings of Cragg in view of Eick. For example, Cragg in view of Eick does not teach, disclose or suggest, amongst other patentable elements, (illustrative emphasis added) "an active locator configured to provide coordinates to determine a spatial position and/or orientation of the catheter; a pump configured to controllably supply filling material to the catheter; and a monitor connected to the active locator and the pump, wherein the monitor is configured to monitor the spatial position and/or orientation of the catheter based on the provided coordinates from the locator to detect emergence of the catheter from the aneurysm during the injection of the filling material into the aneurysm, and configured to stop the supply of the filling material in response to the detected emergence" as recited in claim 1, and as similarly recited in each of claims 5 and 11.

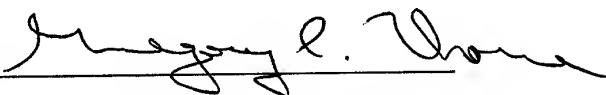
Kucharczyk is cited in rejecting the dependent claims and, in any event, does not remedy the deficiencies of Cragg and Eick.

Based on the foregoing, the Applicants respectfully submit that the independent claims are patentable and notice to this effect is earnestly solicited. The dependent claims respectively depend from one of the independent claims and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

By 

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